

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEE W. MUELLER, et al.,
Plaintiffs,

v.

Case No. 1:20-cv-364

MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES &
ENERGY, et al.,
Defendants.

HONORABLE PAUL L. MALONEY

ORDER DISMISSING MOTION TO DISMISS AS MOOT

On June 19, 2020, Defendants filed a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6) (ECF No. 16). On June 23, 2020, Plaintiffs filed an amended complaint as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1) (ECF No. 19). When filed, an amended complaint supersedes the original complaint, which becomes a nullity. *See Drake v. City of Detroit*, 266 F.App'x 444, 448 (6th Cir. 2008); *Klyce v. Ramirez*, 852 F.2d 568, 1988 WL 74155, at * 3 (6th Cir. July 19, 1998) (per curiam) (unpublished table opinion) (collecting cases from other circuits). An amended complaint filed after a motion to dismiss has been filed renders the motion to dismiss moot. *See Bancoult v. McNamara*, 214 F.R.D. 5, 13 (D.D.C. 2003) ("Because the original complaint now is superseded by the amended complaint, the court denies without prejudice all pending motions pertaining to the original complaint."). Accordingly, the motion to dismiss the complaint (ECF No. 16) is DISMISSED AS MOOT.

IT IS SO ORDERED.

Date: June 25, 2020

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge